

REMARKS

This application has been amended in a manner that is believed to place it in condition for allowance at the time of the next Official Action.

Claims 7 and 11-14 are pending in the present application. Claim 7 has been amended to recite a first passage therethrough extending from a distal end of said catheter to a proximal end of said catheter, said passage being open at said distal end, and at its proximal end so as to be able to be connected to a syringe. Support for amended claim 7 may be found in the present specification at page 6, lines 20-30. Support for new claims 11-12 may be found in the present specification at page 7, lines 29-31. Claims 11 and 12 are dependent on claim 7.

Claims 13 and 14 are directed to a catheter device for the removal or transfer of material from genital organs. Support for claims 13 and 14 may be found in previously-pending claims 8 and 9 and in the present specification at page 1, lines 25-30; page 6, lines 10-16; page 7, lines 9-12; and page 8, lines 18-23. As the Examiner recalls, claims 8 and 9 were allowed in the Official Action of November 19, 2003. As claims 13 and 14 incorporate the subject matter of claims 8 and 9, applicants believe that claims 13 and 14 are also allowable.

Claim 7 was rejected under 35 USC §102(b) as allegedly being anticipated by MASCUCH et al. 4,796,637. Applicants believe that the present amendment obviates this rejection.

Applicants believe that MASCUCH et al. fail to disclose or suggest the claimed invention. The device taught by MASCUCH et al. utilizes a second passage (24) parallel to the first that contains radiopaque bands. However, the material is not an echogenic material.

Moreover, these radiopaque bands are "precisely and stably established for aiding the position of elements in stereotaxic catheter" (see column 4, end of the first paragraph). In other words, the radiopaque bands are for aiding the positions of the staff introduced in other side lumens like a cable leading to a microwave antenna or connectors for a thermistor. The radiopaque bands are not for allowing the visualization of the precise position of the open distal end where the transfer of embryos takes place as described in the claimed invention.

Thus, the device described in MASCUCH et al. cannot be used for the transfer of embryos, as it does not contain an echogenic material which can be visualized with ultrasound devices which does not affect the viability of the embryos, but contains radiopaque bands which can be visualized by X-ray radiography devices which affect the viability of the embryos.

Moreover, the MASCUCH et al. publication fails to teach or even mention that the radiopaque bands should indicate precisely the location of the open distal end in the described device. To the contrary, Figure 3 of MASCUCH et al. shows that the radiopaque bands are not precisely located at the open distal

end, but are located in an upper part of the open distal end in the catheter.

The echogenic material in the device of the present invention is located at the level of the hole corresponding to the open distal end. For example, this is shown in Figure 3 in the present application. Figure 3 shows that the hole representing the open distal end (2), whereby the embryos are expelled, is situated at the end of the echogenic material (5). Applicants believe that this characteristic allows a practitioner to know where the open distal end is situated in the organism and to precisely place where the embryos will be transferred in the uterus. Upon reviewing MASCUCH et al, it is clear that this goal cannot be achieved with the disclosed device. Indeed, applicants do not believe that this device is suitable for the transfer of embryos because it can only be visualized by X-ray radiography, and it does not permit the precise visualization of the open distal end of the device.

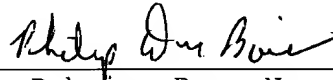
Thus, in view of the above, applicants believe that MASCUCH et al. fail to disclose or suggest the claimed invention.

In view of the present amendment and the foregoing remarks, therefore, it is believed that this application is now in condition for allowance, with claims 7 and 11-14, as presented. Allowance and passage to issue on that basis are accordingly respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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